

MEMORANDUM ENDORSED

BRAIN INJURY

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January 6, 2023

Via ECF

Hon. Gregory H. Woods
 United States District Court Judge
 Southern District of New York
 Daniel Patrick Moynihan Courthouse
 500 Pearl Street
 New York, New York 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/9/2023

Re: *United States of America, ex rel. Patrick Donohue v. Carranza, et al.*,
 1:20-cv-05396 (GHW) (SDA)

Dear Judge Woods,

As you may recall, the undersigned represents the Relator, Patrick Donohue, in the above-referenced action. On December 26, 2022, the Relator and Defendants Niagara Falls School District and Mark Laurrie, in his official capacity as Superintendent of the Niagara Falls School District (“Niagara Defendants”), filed a Stipulation of Voluntary Dismissal.

The Stipulation applies only to those claims brought under New York State law and City law where applicable, as outlined in the Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Claims in the Relator’s Second Amended Complaint. [ECF No. 239].

The First, Second, Third, and Fourth Claims in the Relator’s Second Amended Complaint are brought against the Niagara Defendants under federal law. The Stipulation of Voluntary Dismissal does not pertain to any federal claims—the First, Second, Third, and Fourth Claims in Relator’s Second Amended Complaint remain.

In endorsing the Parties’ Stipulation, the Court directed the Clerk to remove the Niagara Defendants from the caption of the case. [ECF No. 240]. Because the federal claims against the Niagara Defendants have not been dismissed or withdrawn, they should remain part of this action.

Indeed, the Niagara Defendants have moved to dismiss the remaining claims against them—their motion is under consideration by Magistrate Judge Aaron.

Accordingly, the Relator requests the Court keep the Niagara Defendants in this action, and the caption, pending the outcome of the submitted motion.

Plaintiff-Relator thanks the Court for its courtesy and consideration.

Respectfully submitted,

Ashleigh C. Rousseau

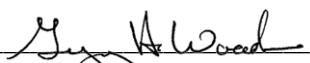
Ashleigh C. Rousseau, Esq. (5801923)

CC: *All Counsel*
 VIA ECF

Application granted. The Clerk of Court is respectfully directed to restore defendants Mark Laurrie and Niagara Falls School District to the caption of this case.

SO ORDERED.

Dated: January 9, 2023
 New York, New York


 GREGORY H. WOODS
 United States District Judge